

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT  
OF TENNESSEE AT KNOXVILLE, TENNESSEE**

**CONNIE J. RAINS and MELANIE K.  
CLAXTON,**

Plaintiffs

vs.

**ISHAWAR PATEL, HARRY PATEL, RAM  
RATAN CORPORATION, d/b/a PARKWAY  
HOTEL & SUITES and RED ROOF INN  
GATLINBURG, d/b/a RED ROOF INN &  
SUITES, RED ROOF FRANCHISING, LLC, and  
RED ROOF INNS, INC., d/b/a RED ROOF INNS,  
INC. of DELAWARE,**

No:

Defendants

**NOTICE OF REMOVAL**

Defendants Red Roof Franchising, LLC, and Red Roof Inns, Inc. of Delaware  
("Defendants"), pursuant to 28 U.S.C. § 1331, 1367, 1441 and 42 U.S.C. § 2000e, *et seq.* file this  
Notice of Removal and in support hereof, state the following grounds:

1. An original Complaint styled *Connie J. Rains and Melanie K. Claxton v. Ishawar Patel, Harry Patel and Red Roof Franchising, LLC DBA Red Roof Inns or Red Roof Inns & Suites*, was filed on July 21, 2011. The Amended Complaint styled *Connie J. Rains and Melanie K. Claxton v. Ishawar Patel, Harry Patel, Ram Ratan Corporation, D/B/A Parkway hotel & Suites and Red Roof Inn Gatlinburg, D/B/A Red Roof inn & Suites, Red Roof Franchising, LLC, and Red Roof Inns, Inc. D/B/A Red Roof Inns, Inc. of Delaware*, was filed on June 13, 2012. On August 3, 2012, Plaintiffs Connie J. Rains and Melanie K. Claxton, filed in the Circuit Court for

Sevier County, Tennessee, a Second Amended Complaint styled *Connie J. Rains and Melanie K. Claxton v. Ishawar Patel, Harry Patel, Ram Ratan Corporation d/b/a Parkway Hotel & Suites and Red Roof Inn Gatlinburg, d/b/a Red Roof Inn & Suites, Red Roof Franchising, LLC, and Red Roof Inn, Inc. of Delaware*, No. 2011-0466-IV. Copies of the Summons and Second Amended Complaint are attached hereto as Exhibit “A” and constitute all process, pleadings and other documents received by these Defendants through service in this action.

2. On September 4, 2012, the Plaintiffs caused a copy of the Summons and Second Amended Complaint to be served on Defendants Red Roof Franchising, LLC, and Red Roof Inns, Inc. of Delaware. This service was the first notice of suit to the moving defendants. The original Complaint and Amended Complaint were never served on the moving defendants.

3. In the Second Amended Complaint, the Plaintiffs state claims arising under 42 U.S.C. § 2000e, *et seq.*, as well as claims under T.C.A. § 4-21-101 *et seq.* and other common law actions in Tennessee.

4. This Court has original subject matter jurisdiction over plaintiff’s claims asserted pursuant to 42 U.S.C. § 2000e, *et seq.*, in accordance with 28 U.S.C. § 1331 as said claim arises under the laws of the United States.

5. This Court has subject matter jurisdiction over Plaintiffs’ state law claims pursuant to 28 U.S.C. § 1367, as the state law claims are so related to the claims providing the basis for the Court’s original jurisdiction that they form part of the same case or controversy under Article IV of the United States Constitution.

6. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is filed within thirty (30) days following Defendants’ receipt of the Second Amended Complaint and other documents

setting forth the claim for relief upon which this action is based. Specifically, these Defendants were served with process on or after September 4, 2012.

7. A copy of this Notice of Removal is being filed with the Clerk of the Circuit Court for Sevier County, Tennessee, and is being served on counsel for the Plaintiffs pursuant to 28 U.S.C. § 1446(d).

8. Based upon diligent inquiry including communication with Plaintiffs' counsel and the Court, the other defendants, Ishawar Patel, Harry Patel, and Ram Ratan Corporation d/b/a Parkway Hotel & Suites and Red Roof Inn Gatlinburg, d/b/a Red Roof Inn & Suites, have not been served with the Summons and Second Amended Complaint and therefore their consent to this removal is not required. *See* 28 U.S.C. § 1446(b)(2)(A).

**WHEREFORE**, Defendants Red Roof Franchising, LLC, and Red Roof Inns, Inc. of Delaware give notice that they remove the above-captioned case to the United States District Court for the Eastern District of Tennessee.

This the 2<sup>nd</sup> day of October, 2012.

/s/Mary Elizabeth Maddox

Mary Elizabeth Maddox (BPR No. 16576)

**FRANTZ, McCONNELL & SEYMOUR, LLP**

P.O. Box 39

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(865) 546-9321

Attorney for Defendants Red Roof Franchising,

LLC and Red Roof Inns, Inc. of Delaware

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing document has been served this 2<sup>nd</sup> day of October, 2012, upon all counsel or parties as listed below at interest in this cause by delivering a true and exact copy to the offices of said counsel or parties or by placing a copy in the United States mail addressed to said counsel or parties at his/her office, with sufficient postage to carry it to its destination, or by special overnight courier; if the foregoing document has been electronically filed with the Court, this service has been made only upon counsel or parties to whom the Court does not furnish electronic copies of filings.

Ross B. Gray, Esq.  
Hickman, Gray & Associates, PLLC  
101 Bruce Street  
Sevierville, TN 37862

*s/Mary Elizabeth Maddox*

Mary Elizabeth Maddox

**FRANTZ, McCONNELL & SEYMOUR, LLP**

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